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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,502	07/15/2003	Allan Hales	HAL-02016	8462

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EXAMINER

IZAGUIRRE, ISMAEL

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/620,502

Applicant(s)

HALES, ALLAN

Examiner

Ismael Izaguirre

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-20 is/are rejected.
- 7) ☒ Claim(s) 6-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/15/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

**SPECIFICATION**

***Abstract***

The abstract of the disclosure is objected to because the word "form" in line 5 has no clear meaning. The word "from" is suggested. Correction is required. See MPEP § 608.01(b).

**CLAIMS**

***Summary***

Claims 1, 11 and 20 are the independent claims under consideration in this Office Action.

Claims 2-10 and 12-19 are the dependent claims under consideration in this Office Action.

***Claim Rejections - 35 U.S.C. § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 11-19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 11, lines 1 and 2, the words "and other products that have a protrusion such as a cap bill" are unclear. It is unclear if the "other products" are defined as only those including protrusions that are like "cap bills" or if the "other

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products" include the "cap bill" structure and further include generic or structurally undefined protrusions. The above language does not define the structure of the protrusions which are included in the scope of the claimed invention and which are not included in the scope of the claimed invention.

***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 11-15 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Shibata (4,665,844).

Shibata teaches an embroidery machine with a cap bill support device. Shibata teaches a hat hoop base frame 11 comprising a bill hook 24 capable of physical attachment to the cap bill. The bill hook is supported by a base support 20 secured to the frame 11 and offering removable support for the cap bill by pivoting of the clip toward and away from the cap bill. The hook includes an "L" shaped arm (figure 9) with a foot free end enabling attachment or clamping to the cap bill. The headgear is placed on the frame and the cap bill is clamped by the foot so as to keep the bill in the desired embroidery position during the embroidery process.

Claims 1,4,11,14 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Inteso (4,831,753).

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Inteso teaches an embroidery machine with a cap bill support device. Inteso teaches a hat hoop base frame 10 comprising a bill hook 12 capable of physical attachment to the cap bill. The bill hook is supported by a base support 8 secured to the frame 10 and offering removable support for the cap bill by clamping to the cap bill.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,4,11,12,14 and 20 are rejected under 35 U.S.C. § 102(a or e) as being anticipated by Kato (4,665,844).

Kato teaches an embroidery machine with a cap bill support device. Kato teaches a hat hoop base frame 84 comprising a bill hook 89 (figure 2, for example) capable of physical attachment to the cap bill. The bill hook is supported by a base support 300, 305 (figure 4, for example) secured to the frame 84 and offering removable support for the cap bill by pivoting of the clip toward and away from the cap bill.

#### ***ALLOWABLE SUBJECT MATTER***

Claims 16-19 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

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Claims 6-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***PERTINENT CITATIONS***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Inteso '488, Goto and Hayashi illustrate cap embroidery frames including bill-supporting means.

***INQUIRIES***

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-0861.

Any inquiry concerning this communication or earlier communications directed to the examiner should be directed to Mr. Ismael Izaguirre at (703) 308-0892 located in CP2-4B18, Monday through Friday 9:30am to 6:00pm.

A handwritten signature in black ink, appearing to read 'Ismael Izaguirre', with a stylized flourish at the end.

**Ismael Izaguirre  
Primary Examiner  
Group Art Unit 3765**